

Message Text

CONFIDENTIAL

PAGE 01 GENEVA 00515 131712Z

ACTION IO-14

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INRE-00 CIAE-00 DODE-00 PM-05 H-01 INR-07 L-03
NSAE-00 PA-01 PRS-01 SP-02 SS-15 AF-10 ARA-10
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TO SECSTATE WASHDC IMMEDIATE 4735

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C O N F I D E N T I A L GENEVA 00515

E.O. 11652: GDS

TAGS: SHUM

SUBJ: 34TH SESSION HUMAN RIGHTS COMMISSION: REPORT OF THE
INTERNATIONAL CONFERENCE ON DISCRIMINATION AGAINST
INDIGENOUS POPULATIONS IN THE AMERICAS

REF: 77 GENEVA 12663

1. MISSION RECEIVED FROM FRIENDLY NGO A COPY OF THE RE-
PORT OF CONFERENCE ON DISCRIMINATION AGAINST INDIGENOUS
POPULATIONS IN THE AMERICAS, WHICH CONTAINS RECOMMENDA-
TIONS FOR ACTION IN THE LEGAL, ECONOMIC AND SOCIAL
FIELDS. FOLLOWING ARE EXCERPTS FROM THE DOCUMENT WHICH
HAS BEEN FORWARDED TO ROBERT MAXIM (D/HA) AND WARREN
HEWITT (IO).

2. THE ECONOMIC COMMITTEE RECOMMENDED(A) THE ESTABLISH-
MENT OF A WORKING GROUP ON THE INDIGENOUS POPULATIONS
UNDER THE SUB-COMMISSION ON THE PREVENTION OF DISCRIMI-
NATION AND PROTECTION OF MINORITIES OF THE U.N. HUMAN
RIGHTS COMMISSION; (B) A HEARING BY THE U.N. SPECIAL COM-
MITTEE ON DECOLONIZATION ON ALL THE ISSUES AFFECTING IN-
DIGENOUS POPULATIONS; (C) INVESTIGATION BY THE U.N. COM-
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PAGE 02 GENEVA 00515 131712Z

MITTEE ON TRANS-NATIONAL CORPORATIONS INTO THE ROLE OF
MULTINATIONAL CORPORATIONS IN THE PLUNDER AND EXPLOITA-
TION OF NATIVE LANDS, RESOURCES AND PEOPLES IN THE
AMERICAS. THESE RECOMMENDATIONS ARE REPEATED IN THE
REPORT'S PLAN OF ACTION.

3. UNDER THE DECLARATION OF PRINCIPLES, IT IS REQUESTED

THAT INDIGENOUS NATIONS OR GROUPS BE ACCORDED SUCH DEGREE OF INDEPENDENCE AS THEY MAY DESIRE IN ACCORDANCE WITH INTERNATIONAL LAW. IN THE DECLARATION UNDER THE HEADING OF JURISDICTION, DOCUMENT READS "NO STATE SHALL ASSERT OR CLAIM OR EXERCISE ANY RIGHT OF JURISDICTION OVER ANY INDIGENOUS NATION OR GROUP OR THE TERRITORY OF SUCH INDIGENOUS NATION OR GROUP UNLESS PURSUANT TO A VALID TREATY OR OTHER AGREEMENT FREELY MADE WITH THE LAWFUL REPRESENTATIVES OF THE INDIGENOUS NATION OR GROUP CONCERNED." THE DECLARATION ALSO HAS A CLAUSE REGARDING CLAIMS TO TERRITORY IN WHICH "NO STATE SHALL CLAIM OR RETAIN BY RIGHT OF DISCOVERY OR OTHERWISE THE TERRITORIES OF AN INDIGENOUS NATION OR GROUP EXCEPT SUCH LANDS AS MAY HAVE BEEN LAWFULLY ACQUIRED BY VALID TREATY OR OTHER CESSION FREELY MADE."

4. AS WAS SUGGESTED IN REFTTEL, THE DEPARTMENT MAY WISH TO PREPARE A RESPONSE TO THIS REPORT BASED ON LEGAL ACTIONS PRESENTLY IN U.S. COURTS, CONGRESSIONAL ACTION, AND HEW SECRETARY CALIFANO'S TELEVISION NEWS CONFERENCE. THE REPORT CONTAINS THE U.S. STATEMENT SUBMITTED TO THE CONFERENCE LEADERS WHICH MAY BE USEFUL IN PREPARING A U.S. POSITION.

5. THE DEPARTMENT MAY WISH TO CONSIDER TAKING POSITION THAT, SINCE THIS IS DOMESTIC MATTER AND NOW BEING RE-CONFIDENTIAL

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PAGE 03 GENEVA 00515 131712Z

VIEWS ON MANY LEVELS IN THE UNITED STATES, IT DOES NOT WARRANT HRC ATTENTION. IF THE SOVIETS, THE EE COUNTRIES AND CUBA PRESS FOR IMPLEMENTATION OF THE RECOMMENDATIONS AND PLAN OF ACTION CONTAINED IN THE DOCUMENT, WE SHOULD NOTE THAT THESE RECOMMENDATIONS DO NOT SPECIFY THE AMERICA, SOLELY, AND ASK THAT THE COMMISSION REVIEW OR STUDY PROBLEMS OF INDIGENOUS POPULATIONS ON A WORLD-WIDE BASIS, WHICH WOULD INCLUDE INDIGENOUS PEOPLES IN THE SOVIET UNION.

6. MISSION IS NOT YET CLEAR HOW THIS DOCUMENT WILL BE INTRODUCED TO THE COMMISSION. WHEN NIALL MACDERMOT WAS ASKED IF THE REPORT WAS OUT, HE REPLIED TO MISOFF THAT HE HAD NOT SEEN IT. MISOFF WAS TOLD BY NGO WHO SENT COPY OF DOCUMENT TO MISSION THAT IT HAD BEEN MAILED TO ALL NGOS BEFORE CHRISTMAS. SORENSON

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Message Attributes

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